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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 Georgiou Family Trust; et al.,
7 Plaintiffs,

8 v.

9 Phillip V. Ruthen; et al.,
10 Defendants.

Case No. 2:21-cv-01060-JCM-DJA

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12 **Order**

13 Defense' counsel—Dennis L. Kennedy, Esq.; and Paul C. Williams, Esq. of the law office
14 of Bailey Kennedy—have moved to withdraw their representation of Defendant Phillip V.
15 Ruthen, explaining that Ruthen has a substantial outstanding balance that he has not paid. (ECF
16 No. 105). They further explain that they informed Ruthen, through separate counsel, that they
17 would withdraw if they did not receive payment. Ruthen has yet to make his payments. (*Id.*).
18 Ruthen has not responded to the motion to withdraw.

19 Under Local Rule ("LR") IA 11-6(b), "[i]f an attorney seeks to withdraw after appearing
20 in a case, the attorney must file a motion or stipulation and serve it on the affected client and
21 opposing counsel." LR IA 11-6(b). Under Local Rule 7-2(d) the failure of a party to oppose a
22 motion constitutes that party's consent to the granting of the motion. The Court finds that
23 Kennedy and Williams have met the requirements of LR IA 11-6(b). Ruthen has also not
24 responded, constituting his consent to the granting of the motion. The Court will require that
25 Defendant Ruthen notify the Court by September 7, 2022 as to his intent to proceed *pro se* or with
26 other representation. Failure to do so may result in dispositive sanctions.

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1 **IT IS THEREFORE ORDERED** that Kennedy and Williams' motion to withdraw (ECF
2 No. 105) is **granted**. The Clerk of Court is kindly directed to remove Dennis L. Kennedy, Esq.;
3 and Paul C. Williams, Esq. as counsel of record and from the electronic service list for this case.

4 **IT IS FURTHER ORDERED** that Defendant Ruthen shall notify the Court as to
5 whether he intends to proceed *pro se* or retain counsel by **September 7, 2022**. Failure to notify
6 the Court as to his representation status may subject him to dispositive sanctions.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add the last known
8 address and email address of Defendant Ruthen to the civil docket and send a copy of this Order
9 to Defendant's last known address:

10 Phillip V. Ruthen
11 3302 NE 166th Street
12 North Miami Beach, Florida 33160
13 pvruthen@yahoo.com; pvruthen@gmail.com

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15 DATED: August 17, 2022

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19 DANIEL J. ALBREGTS
20 UNITED STATES MAGISTRATE JUDGE
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